



August 12, 2011

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Mr. Richard L. Dugger
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Dr. Marc Dreyer
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RE: Expanding Use of Parole Ineligible Sentences

Dear Governor Fallin, Chairman Dugger and Members Ballard, Moore, Harkins and Dr. Dreyer:

The Sentencing Project applauds the Oklahoma Pardon & Parole Board's review of life without parole sentences. The Sentencing Project is a national organization working for a fair and effective criminal justice system by promoting reforms in sentencing law and practice, and alternatives to incarceration.

The growth in Oklahoma's prison population is in part due to sentencing policies; the state incarcerated 5,100 in 1980 compared with more than 24,000 in 2010 for an increase of over 370%. Oklahoma has more than 620 individuals serving life sentences with no possibility of parole, approximately 2.5% of the state's prison population.¹ Of these, there are 44 individuals sentenced to life without parole in Oklahoma for drug offenses.²

The practice of sentencing persons to life without parole often represents a misuse of limited correctional resources and discounts the capacity for personal growth and rehabilitation. The Oklahoma Department of Corrections reported in 2010 that it costs more than \$64 per day to

¹ Ashley Nellis and Ryan S. King, *No Exit: The Expanding Use of Life Sentences in America*, The Sentencing Project (July 2009).

² Senator Constance Johnson, Oklahoma State Senate, letter to The Sentencing Project, July 20, 2011.

incarcerate a person in a maximum facility, for an annual cost of \$23,000 per prisoner.³ The total cost of incarcerating the 620 prisoners serving LWOP sentences totaled over \$14 million; the 44 prisoners sentenced to LWOP for reported drug crimes cost Oklahoma over \$1 million in 2010.

It is argued that incapacitating certain people for life is necessary for public safety. There are several studies that document declining rates of recidivism for older persons who serve upwards of 20 years thus not compromising public safety. For example, a 2004 analysis found that persons released from a life sentence were less than one-third likely to be rearrested within three years of all released persons.⁴

Additionally, studies have shown that recidivism declines for older prisoners who are released. For example, a study in Ohio of 21 people released in 2000 who were 50 years of age or older and had served 25 years or more at the time release found that none of these persons committed a new crime during the three years after their release. In Pennsylvania, the recidivism rate of persons convicted of a new crime who were 50 years of age or older and released in 2003 was 1.4% in the first 10 to 22 months after release.⁵

Life without parole sentences are costly to Oklahoma and ignore the potential for transformative growth. The Sentencing Project urges a case-by-case review of persons sentenced in Oklahoma to life without parole to determine if their continued incarceration is in the public interest. Reviewing the cases of persons sentenced to life without parole and making decisions in the interest of public safety will demonstrate a fair and effective approach towards sentencing policy.

I thank you for your attention to this matter.

Sincerely,



Marc Mauer
Executive Director

cc: Senator Constance Johnson, Chair Oklahoma Legislative Black Caucus

³ Staff, "The State of Corrections in Oklahoma: Fiscal Year 2010", *Oklahoma Department of Corrections* (2010).

⁴ Marc Mauer, Ryan S. King, Malcolm C. Young, "The Meaning of Life: Long Prison Sentences in Context" The Sentencing Project, . Washington, D.C., 2004.

⁵ Staff, "Report Advisory Committee on Geriatric and Seriously Ill Inmates, " Joint State Government Commission of Pennsylvania (June 2005).